

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

<b>JUSTIN L. CRUTHIRD,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No.</b>
	)	
<b>MARIUS TOMA,</b>	)	<b>NOTICE OF REMOVAL</b>
	)	<b>CIVIL ACTION</b>
<b>MK EXPRESS LINES, INC.,</b>	)	
	)	
<b>and</b>	)	
	)	
<b>PAR LOGISTICS, LLC,</b>	)	
	)	
<b>Defendants.</b>	)	<b>JURY TRIAL DEMANDED</b>

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TO: The Clerk of the above-entitled court and  
all parties and their attorneys of record

PLEASE TAKE NOTICE that defendant PAR Logistics, LLC, a Michigan limited liability company (hereinafter “defendant”), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby removes the above-entitled action from the Circuit Court of Jackson County, Missouri at Kansas City (the “State Court”), where it is currently pending, to the United States District Court for the Western District of Missouri, Western Division. In support of its removal, defendant respectfully states:

1. Plaintiff Justin Cruthird filed his Petition on or about March 16, 2021, commencing an action styled *Justin L. Cruthird v. MK Express Lines, Inc., et al.*, Case No. 2116-CV06411 in the Circuit Court of Jackson County, Missouri at Kansas City. A true copy of that Petition is attached hereto as Exhibit A. In his action, plaintiff seeks damages for personal injuries from an alleged motor vehicle accident occurring on October 17, 2018. *See* Exhibit A. Plaintiff seeks recovery of compensatory damages for his alleged injuries, including past and future medical

expenses, past and future lost wages, as well as other out of pocket expenses. *See* Exhibit A.

2. Defendant received “through service or otherwise” a copy of the plaintiff’s Summons and Petition April 30, 2021, when their registered agent in Michigan was served. A true copy of the Summons issued to defendant PAR Logistics, LLC is attached as Exhibit B. A true copy of all other process, pleadings, and orders that were served upon Defendant Par Logistics are attached as Exhibit C, pursuant to 28 U.S.C.A. § 1446. Exhibits A, B, and C constitute all of the matters sent to or served on the Defendant PAR Logistics in this action by Plaintiff.

3. Defendant Marius Toma consents to this Notice of Removal as required by 28 U.S.C.A. § 1446(b). *See* Exhibit D, Declaration of Counsel Joseph Kronawitter.

4. Defendant MK Express Lines, Inc. was an Illinois corporation. As of the date of this filing, MK Express Lines, Inc. is a defunct entity that is no longer in good standing in its state of residency (Illinois). *See* Exhibit E, D. MK Express Lines has also forfeited its license from the Federal Motor Carrier Safety Administration. *See* Exhibit F, D. Efforts to contact representatives from MK Express Lines have been unavailing. *See* Exhibit D. Thus, it appears MK Express Lines, Inc. no longer exists as a corporate entity.

5. Plaintiff is a citizen of the State of Missouri. *See* Exhibit A, ¶1.

6. Defendant PAR Logistics, LLC is not a citizen of the State of Missouri.

a. On October 17, 2018, and at all times since, PAR Logistics, LLC is and was a limited liability company formed under the laws of the State of Michigan with its principal place of business in the State of Michigan; *See* Exhibit G, Declaration of Pat Lumsden.

b. On October 17, 2018 and thereafter through today, PAR Logistics, LLC has had a single member: Keith Estelle. *See* Exhibit G.

- c. Prior to January 2019, Mr. Estelle was domiciled in, and a resident of, the State of Michigan. *See* Exhibit G.
  - d. Mr. Estelle is now domiciled in, and a resident of, the State of Florida. *See* Exhibit G.
7. This civil action is properly removable to the United States District Court for the Western District of Missouri based on the facts enumerated herein, including:
- a. This action is a civil action of which the Court has original jurisdiction under 28 U.S. C. § 1332(a)(1) and may be removed to this Court pursuant to 28 U.S.C. § 1441, in that it is a civil action between citizens of different states with the amount in controversy exceeding the sum of \$75,000.00, exclusive of costs.
  - b. Both at the time of this removal as well as at the time the Petition was filed, plaintiff is and was a resident of the state of Missouri. *See* Exhibit A, ¶ 1.
  - c. Both at the time of this removal as well as at the time the Petition was filed, defendant PAR Logistics, LLC is and was deemed a citizen and resident of a state other than Missouri. *See* Exhibit G.
  - d. Defendant Toma is not a resident of the State of Missouri. *See* Exhibit A, ¶6.
  - e. Defendant MK Express Lines, Inc. appears defunct but when it was operational, it was not a resident of the State of Missouri. *See* Exhibits D-F.
  - f. With respect to the amount in controversy, plaintiff seeks to recover compensatory damages for alleged injuries, including past and future medical expenses, past and future lost wages, and also seeks other damages. *See* Exhibit A. Given the nature of plaintiff's claims and the alleged damages sought, Defendants understand and believe that the amount in controversy necessarily exceeds \$75,000.000. *See*

Exhibit A (Plaintiff is seeking compensatory damages, past and future medical expenses, past and future lost wages, as well as other economic loss and out of pocket expenses). Although defendant disputes these amounts, as well as the existence, nature, and extent of plaintiff's alleged injuries and/or damages, they must nonetheless be taken into account for purposes of determining the amount in controversy.

- g. This Notice of Removal was filed with this Court within thirty days of defendants having received "through service or otherwise" a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, as provided by 28 U.S.C. § 1446(b).

8. A true copy of the Notice of Removal is being concurrently filed with the Clerk of the Circuit Court of Jackson County, Missouri at Kansas City, as provided by law, and will be concurrently served upon all parties.

WHEREFORE, defendant PAR Logistics, LLC respectfully requests that this action be removed to the United States District Court for the Western District of Missouri.

Dated this 1<sup>st</sup> day of June, 2021.

Respectfully Submitted,

/s/ Joseph A. Kronawitter

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*Attorneys for Defendant PAR Logistics, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 1, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send a notice of electronic filing to all person registered for ECF as of that date.

/s/ Joseph A. Kronawitter